

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID W. SPINDLE,	§	
	§	
PLAINTIFF,	§	
	§	
vs.	§	CA NO. 4:18-CV-818-SDJ-KPJ
	§	
CKJ TRUCKING, L.P., AND	§	
CKJ TRANSPORT OF NORTH TEXAS, LLC	§	
	§	
DEFENDANTS.	§	

DEFENDANTS' DEPOSITION DESIGNATIONS

Pursuant to the Court's *Scheduling Order* (Docket No. 15), Defendants hereby designate the following deposition excerpts for use at trial.

Defendants reserve the right, pursuant to the *Fed. R. Civ. P.* and the *Local Rules* to use any and all portions of Plaintiff's deposition for impeachment.

For all other witnesses identified in the parties' disclosures, discovery responses, and witness lists and who have been deposed, Defendants intend to call all such witnesses live at trial. Accordingly, Defendants are not designating any portion of those witnesses' depositions at this time. However, in the unlikely event any of those deposed witnesses becomes unexpectedly unavailable to testify at trial, pursuant to *Fed. R. Evid.* 804(b)(1), Defendants reserve the right to use the witnesses' deposition in lieu of live testimony.

DESIGNATED PORTIONS OF PLAINTIFF'S DEPOSITION

In addition to use of the deposition for impeachment, Defendants designate for use at trial the portions of Plaintiff's deposition yellow-highlighted in Docket No. 35-2, Exhibit 1.

Respectfully submitted,

/s/ John L. Ross

JOHN L. ROSS¹

Texas State Bar No. 17303020

THOMPSON, COE, COUSINS & IRONS, L.L.P.

700 North Pearl Street

Suite 2500

Dallas, Texas 75201

Telephone: (214) 871-8200

Facsimile: (214) 871-8209

Email: jross@thompsoncoe.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

Pursuant to *Fed. R. Civ. P.* 5(b)(2)(E) and 5(b)(3), I hereby certify a true and correct copy of the foregoing document was filed electronically on this 27th day of November, 2019. Parties may access this filing through the Court's system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ John L. Ross

JOHN L. ROSS

¹ Board Certified in Labor & Employment Law and Civil Trial Law by the Texas Board of Legal Specialization